

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

**DUNKIN' DONUT FRANCHISED
RESTAURANTS LLC,**
a Delaware Limited Liability Company,
DD IP HOLDER LLC,
a Delaware Limited Liability Company,
DB REAL ESTATE ASSETS II LLC,
a Delaware Limited Liability Company,

Case No.: 1:09-CV-818

Hon. Paul L. Maloney
Hon. Mag.

Plaintiffs,

VS-

B & H FOODS, INC., a Michigan
Corporation, **KARL HEINZ,** an Individual,
PATRICK H. BUCK, an Individual

Defendants.

Douglas R. Kelly (P49856)
Clark Hill PLC
Attorneys for Plaintiffs
151 S. Old Woodward, Suite 200
Birmingham, MI 48009
(248) 642-9692

L. Eric Ranieri (P70327)
Dingeman, Dancer & Christopherson, P.L.C.
Attorneys for Defendants
100 Park Street
Traverse City, MI 49684
(231) 929-0500

CONSENT JUDGMENT

This matter having come before this Court on Plaintiffs' Complaint seeking damages, declaratory and injunctive relief, the Plaintiffs and Defendants having stipulated to the entry of

this Consent Judgment as evidenced by their signatures below, and the Court being otherwise fully advised in the premises;

IT IS HEREBY ORDERED AND ADJUDGED as follows:

1. Defendants B&H FOODS, INC. ("B&H") and KARL HEINZ ("HEINZ") (hereinafter, collectively, the "JUDGMENT DEFENDANTS") and all those acting in concert with them are hereby immediately ENJOINED from using Dunkin' Donuts' trademarks, trade dress, and trade names for any purpose and from holding themselves out to the public as, and operating as, Dunkin' Donuts franchises; and,

2. The Judgment Defendants and all those acting in concert with them are hereby ENJOINED and restrained from using, by advertising or in any other manner whatsoever, any feature or method associated with the Dunkin' Donut system, any or all of the proprietary marks and any other trade secrets, confidential information, operating manuals, slogans, trade dress, signs, symbols or devices which are part of the Dunkin' Donuts system or are otherwise used in connection with the operation of the franchise.

3. The Judgment Defendants are hereby ordered to immediately return to Dunkin' Donuts all operating manuals, plans, specifications, and other materials in their possession containing information relative to the operation of the franchises, including all copies thereof, and shall disconnect, withdraw and/or terminate any telephone listings and/or fictitious name registration containing any part of the proprietary marks or systems.

4. Judgment is hereby entered against the Judgment Defendants, B&H FOODS, INC., and KARL HEINZ, jointly and severally, in the amount of Thirty Eight Thousand Eight

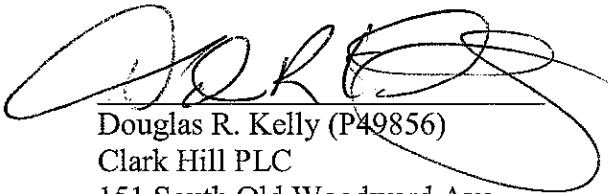
Hundred Fifty-Two Dollars (\$38,852), including all pre-judgment interest, court costs, and attorney fees incurred by Plaintiffs.

IT IS SO ORDERED this 12th day of February, 2010.

/s/ Paul L. Maloney
UNITED STATES DISTRICT COURT JUDGE

AGREED AND CONSENTED TO:

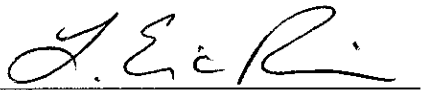
FOR PLAINTIFFS DUNKIN' DONUTS FRANCHISED
RESTAURANTS LLC, DD IP HOLDER LLC and
DB REAL ESTATE ASSETS II LLC



Douglas R. Kelly (P49856)
Clark Hill PLC
151 South Old Woodward Ave.
Suite 200
Birmingham, MI 48009

The undersigned parties hereby read, understand, agree and consent to the foregoing Consent Judgment and all terms and conditions stated therein. All such parties represent that they have obtained advice of counsel and are consenting to this Judgment freely and voluntarily.

FOR DEFENDANTS B & H FOODS, INC.,
KARL HEINZ, AND PATRICK H. BUCK



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